

REMARKS

This Amendment is filed in response to the non-final Office Action of October 14, 2010 in which claims 1-27 were rejected.

In answer to the objection to claims 22 to 27 as being related to non-statutory subject matter, claims 22 to 24 and 27 have been amended to overcome this objection. Withdrawal of the 35 U.S.C. 101 rejection is requested.

Claims 25 and 26 have been cancelled.

Claim 11 have been provided with a period at the end of the sentence.

Claim 22 has been clarified as being performed on an electronic reproduction device. Therefore the amended claims 22 can not longer be interpreted as a series of steps performed mentally, verbally or without a machine. By the restriction that the claim is being executed by a reproduction device it should also be clear that it is tied to another statutory category. Thus, the wording of new claim 22 should be considered as being in conformity with the provisions of 35 U.S.C. 101. Withdrawal of the 35 U.S.C. 101 rejection is requested.

With claim 22 being statutory, dependent claims 23 and 24 should also be considered as fulfilling the requirements of 35 U.S.C. 101.

The computer program claim 27 has been reworded to include the phrase “non-transitory” as recently suggested by the Commissioner to overcome such an objection.

In the Office Action the Examiner also objects present claim 1 under 35 USC § 103 (a) as being obvious with respect to two state of the art documents, i.e., US 6,792,243 *Ka-wah* in view of US 5,991,594 *Froeber*.

According to the Office Action the Examiner stated that *Ka-wah* would disclose mass storage or an electronic reproduction device or method thereof comprising a multi-track reproducer (visual and audible indicia) for reproducing stored multi-track reproduction data wherein said tracks have different kinds of data context (text, visual and audio content data) characterized by a component to adapt the reproduction of a subset of said tracks to predetermined conditions (turning the page of the reproducer, for example), said adaptation component being connected to said reproducer, and being adapted to operate a seamless change of the reproduction between two tracks or different tracks.

Applicants respectfully disagree.

According to Applicants' understanding, the term "multi track reproduction data" refers to an application in which (in case of audio data) at least a stereo (two-track) or Dolby 5.1 (sic-track) or the different audio tracks on DVD/Blu-ray discs for different languages. The term "multi-track" has been selected by the Applicants to indicate that a standard audio reproduction is based on the simultaneous reproduction of at least two tracks of audio data.

In Applicants' understanding *Ka-wah* only discloses a kind of serial mono-track audio data, wherein it is only possible to reproduce a single track at a time. According to Applicants' understanding a number of single mono track tapes is not the same as multi-track reproduction data.

When considering the disclosure of *Ka-wah*, it seems not even possible to interpret the disclosure of *Ka-wah* as showing a kind of multi-track reproduction device with respect to reproduction of text and visual content. When considering the visual and textual content disclosed by *Ka-wah* it becomes apparent that they simply disclose printed subject matter. In Applicants' understanding, text and visual content printed in a book does not comprise text and audio reproduction in the sense as used with respect to e.g. an e-book reader. In Applicants' opinion a book is a text and visual content storage device, but not capable of reproducing text and visual content. In contrast thereto, an e-book reader is to be considered as a reproduction device. The main difference between the text and visual data on one hand and the single track audio data reside in the "reproduction time" wherein the audio data is only reproduced upon pressing a button or turning a page; however, the text and visual content remain unchanged if the pages are turned or not.

When considering *Ka-wah* further it also becomes apparent that an "audio segment" disclosed by *Ka-wah* may consist of speech, music, sound effects, or any combination thereof as desired. That is, in *Ka-wah* the audio segments are to be considered as single track data because the data may consist of speech, music, sound effects, or any combination thereof, and not of a number of speech, music, sound effects on different audio tracks. *Ka-wah* fails to disclose any kind of multi track data. The printed text and printed visual content in combination with audio segments may also not be considered as multi track data in the sense of a "text track" reproduced together with a "visual content track" and an audio segment.

With this interpretation it should be clear that *Ka-wah* fails to disclose any kind of multi-track reproduction data, and is therefore also not to be considered as a multi-track reproduction

device.

When considering *Ka-wah* in this light, it should be apparent that synchronized reproduction of text, visual content and audio segments seems also not possible. This is so because in printing, the printed text and the printed visual content of the *Ka-wah* device is “timeless,” i.e. is just there printed on the page of the audio segment assisted book. That is, it is not possible to perform any kind of synchronization between the reproduction of the text/pictures on one hand and a single sound segment on the other hand.

A lack of synchronization is also indicated by the “second button 154 which is in the shape of a rightward-pointing arrow, and will typically replay some portion of the audio segment which corresponds with the narrative and picture elements shown in third text element 90 and fourth text element 92, which are on the reader's right-hand side.” This second button shows that the text/visual content and the audio segments are not synchronized, as otherwise this button would not be provided. The existence of the second button 154 shows that the audio segments are not reproduced synchronized to any text or visual content disclosed in *Ka-wah*. If the text/visual content would be synchronized to the reproduction of audio segments, the second button 154 would simply destroy any kind of synchrony, and therefore would be counterproductive.

Even though *Ka-wah* discloses to trigger the reproduction of audio segments by detecting a “turning page event” it has to be noted that this is not to be considered as any kind of synchronized reproduction of text/visual content and audio segments. This is so as there is no trigger event that triggers the reproduction of text/visual content. It also has to be noted that during the turning of a page it usually is not possible to read this page due to the movement of the page itself and due to the hand turning the page that covers a part of the page.

That is, it has been shown that in the context of the disclosure of *Ka-wah* it is not possible have any kind of synchronized multi-track data reproduction.

If it is not possible to perform synchronized multi track data reproduction, it should be evident that there is no sense in providing synchronization markers to the audio enhanced book of *Ka-wah*.

Therefore there is no sense in trying to incorporate any kind of different flags within the text for a corresponding audio signal.

It seems also to be noted that *Froeber* pertains to a kind of e-book reader that may be

provided with an audio synthesizer. However it seems not promising to combine the teaching of *Ka-wah* and *Froeber* at all.

In *Froeber* it is at least disclosed that the “text may be adapted to scroll automatically in coincident fashion with the corresponding audio signals.” I.e., at least *Froeber* discloses a kind of synchrony between text and audio signals.

However this principle may not be applied to the subject matter as disclosed by *Ka-wah*, as the printed text and the printed visual content does not allow the use of different flags as e.g. disclosed by *Froeber*. Therefore it has to be concluded that a person of ordinary skill in the art would not have any possibility or incentive to change the teaching of *Ka-wah* in view of the flags of *Froeber* to result at a device of the present invention as defined in the independent claims.

Similarly, the method of the present invention is also not disclosed or obvious with respect to a combination of *Ka-wah* and *Froeber*, especially as both documents fail to disclose any kind of context information on the basis of which different tracks are selected for simultaneous reproduction.

Withdrawal of the obviousness rejection is requested.

In the Office Action the Examiner also referred to documents *Lane et al.* (US 6,141,486), *Alon et al.* (US 63781210) and *Pennock et al.* (US 2004136549).

Lane pertains to Digital video tape recorder and servo circuit for supporting the display of images during trick play VTR operation. It seems that *Lane* only discloses a method of recording data in parallel rows on a tape and reading these data. However the aspect of multi-track data seems not to be represented in the *Lane* document.

Alon et al. only discloses methods and apparatus that are provided for synchronously reading data from multiple tracks of an optical disk using multiple illumination beams. *Alon* uses a photo detector array to read and buffer data in parallel from the multiple adjacent tracks, while asynchronously providing processed data to a host processor. *Alon's* abstract indicates that *Alon* only pertains to a method for a faster read access to an optical storage medium, and not to a synchronized reproduction of multi-track data. I.e., reading multiple tracks simultaneously does not mean that the data are actually multi-track data.

Pennock only pertains to an effects and recording system which is capable of recording at least one of a received audio signal and a processed audio signal generated by the application of musical effects to the received audio signal. However, *Pennock* seem to disclose more about the

recording than the reproducing or playing of audio tracks. That is, *Pennock* may also not be considered as being relevant with respect to the combined synchronized reproduction of visual and audio multi-track data.

The objections and rejections of the Office Action of October 14, 2010, having been obviated by amendment, withdrawal thereof is requested and passage of claims 1-27 to issue is earnestly solicited.

Respectfully submitted,

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